



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,247	07/12/2004	Detlev Neuland	01/090LTS	5234
Propat 425-C South Sharon Amity Road Charlotte, NC 28211-2841			EXAMINER HELM, CARALYNNE E	
			ART UNIT	PAPER NUMBER
			1615	
			MAIL DATE	DELIVERY MODE
			02/22/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<i>Examiner-Initiated Interview Summary</i>	Application No. 10/501,247	Applicant(s) NEULAND ET AL.	
	Examiner CARALYNNE HELM	Art Unit 1615	

All participants (applicant, applicant's representative, PTO personnel):

(1) CARALYNNE HELM (PTO personnel). (3) CATHY MOORE (applicant's representative).

(2) ROBERT WAX (PTO personnel). (4) _____.

Date of Interview: 25 January 2012.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
 If Yes, brief description: _____.

Issues Discussed ☐ 101 ☒ 112 ☐ 102 ☐ 103 ☐ Others
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1 and 6.

Identification of prior art discussed: _____.

Substance of Interview
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

See continuation sheet.

Applicant recodation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recodation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recodation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recodation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Caralynne Helm/ Examiner, Art Unit 1615	/Robert A. Wax/ Supervisory Patent Examiner, Art Unit 1615
---	---

Helm indicated that patentability of the claims appeared to be based upon the diffusion of film components that penetrated into the carrier upon which it was cast. Thus the carrier must be susceptible to diffusion by the components and particularly those envisioned by the applicants (e.g. drugs). Of the carrier materials explicitly contemplated as part of the invention according to the specification and claims, most are impermeable to drug. However paper or coated paper where the film is cast on the paper side would be susceptible to diffusion of film components. Helm and Wax indicated that if the claims were limited to these carrier materials that they would be allowable. Moore acknowledged that some of the disclosed carrier materials may not be susceptible to diffusion but that at least the polyethylene film carrier would be. Helm cited US Patent 4,788,063 column 5 lines 6-8 which states that polyethylene film is impermeable to drug, US Patent No. 4,455,143 column 7 lines 7-18 which states that high density polyethylene is impermeable to drug, and US Patent 5,064,654 column 7 lines 36-40 and 45-48 which recites films composed of low, medium, or high density polyethylene, polyvinylchloride, or polyvinylidene chloride as being impermeable. Helm also cited US PGPub No. 2005/0287195 paragraph 52 which states that siliconized paper is naturally impermeable to drug and is the most preferred material according to the instant specification. All of these materials were discussed in the instant specification as examples of carriers of the invention but are not actually able to function as required in the recited method.

In a subsequent call Moore indicated that the suggested limitation of the carrier to paper or coated paper where the film is coated on uncoated paper side was not acceptable